IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRI. APPLICATION NO. 3185 OF 2004

Shri Dashrath Vishnu Pandit ..Applicant.

V/s.

The State of Maharashtra .. Respondent.

Mr. Dilip Bodke for Applicant.
Mr. K.V.Saste, APP for Respondent -State.

CORAM : A.M.KHANWILKAR, J.
DATED : 30.09.2004

PC :-

. Heard Shri Bodke for the applicant.

. I find no reason to interfere with the order passed by the court below, remanding the case to the trial court to be decided in accordance with the law. Shri Bodke however contends, relying on decision reported in **1982 Mh.L.J. 559, Dagadu Shamrao Deshmukh** v**s. State of Maharashtra,** that in view of the facts and circumstances of the present case, which is similar to the said reported case, as the applicant has deposited the amount on the same date when it was brought to his notice by the superior officer, the applicant ought to be discharged. This submission

overlooks the legal position noted by the revisional court that once charge has been framed, the court has to proceed with the trial in accordance with law and cannot proceed to discharge on such supervening circumstances. No fault can be found with the approach of the revisional court. The reported decision pressed in to service, relates to the case which proceeded for trial inrespect of notice issued by the development officer to the accused. Further the accused was acquited by this court for the reasons which are not applicable to the issue that arises for our consideration. Hence, dismissed.

. It is made clear that the dismissal of this petition is not an expression of opinion on the merits of the stand to be taken by the applicant, entitling him for acquittal. That aspect will be considered by the trial court on its own merits in accordance with the law.

. Order accordingly.

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